

UNITED STATES PATENT and TRADEMARK OFFICE

COMMISSIONER FOR PATENTS UNITED STATES PATENT AND TRADEMARK OFFICE P.O Box 1450 ALEXANDRIA, VA 22313-1450 www.uspto.gov

Howrey LLP 2941 Fairview Park Drive, Box 7 Falls Church, VA 22042

In re Application of

DECISION ON

PETITION UNDER

KUEMLER et al

Application No.: 10/588,081

PCT No.: PCT/EP2004/011457

Int. Filing Date: 12 October 2004 Priority Date: 15 October 2003

Attorney's Docket No.: 00137.0086.00US01

For: Composition for reducing Ox emission

In FCC Regeneration Process

37 CFR 1.137(b)

This decision is in response to applicant's "Petition For Revival Of An International Application For Patent Designating The U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)," filed on 31 July 2006.

BACKGROUND

On 12 October 2004, this international application was filed, claiming an earliest priority date of 15 October 2003.

The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 15 April 2006. This international application became abandoned with respect to the United States at midnight on 15 April 2006 for failure to pay the required basic national fee.

On 31 July 2006, applicants filed in the United States Patent and Trademark Office (PTO) a transmittal letter for entry into the national stage in the U.S. under 35 U.S.C. 371, and a petition under 37 CFR 1.137(b), which was accompanied by, inter alia, the national basic fee. and the petition fee.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Application No.: 10/588,081

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Petitioner has provided: (1) the proper reply by submitting the basic national filing fee, (2) the petition fee set forth in §1.17(m) and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy requirements (1), (2), (3), and (4) under 37 CFR 1.137(b).

DECISION

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing.

Rafael Bacares

PCT Legal Examiner PCT Legal Office

Telephone: (571) 272-3276 Facsimile: (571) 273-0459 IAPT ROC'UPCTIPTO 31 JUL 2006

PTO-1390 (Rev. 07-2005)
Approved for use through 3/31/2007. OMB 0551-0021
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a vaid OMB control number

TRANSMITTAL LETTER TO THE UNITED STATES ATTORNEY'S DOCKET NUMBER

DESIGNATED/ELECTE CONCERNING A SUBMISS	ED OFFICE (DO/EO/US) SION UNDER 35 U.S.C. 371	U.S. APPLICATION AD BOOK R 1.5)
INTERNATIONAL APPLICATION NO.	INTERNATIONAL FILING DATE	PRIORITY DATE CLAIMED 15TH OCTOBES 2003
TITLE OF INVENTION CORPOSITION FOR REDUCING OR EL	COURTING THE FOL RESCRIEGATION PLOKES	
APPLICANT(S) FOR DO/EO/US	O'COMMOR, PAUL ; STAPPERES, DEMNI	
Applicant herewith submits to the United	d States Designated/Elected Office (DO/E	O/US) the following items and other information:
1. X This is a FIRST submission of item	ns concerning a submission under 35 U.S.C. 3	71
2. This is a SECOND or SUBSEQUE	NT submission of items concerning a submiss	ion under 35 U.S.C. 371.
3. This is an express request to begin (5), (6), (9) and (21) indicated belonger	n national examination procedures (35 U.S.C. ow.	371(f)). The submission must include items
4. X The US has been elected (Article	31).	
 	cation as filed (35 U.S.C. 371(c)(2))	
	juired only if not communicated by the internal	ional Bureau).
	ed by the International Bureau.	
	application was filed in the United States Reco	
	of the International Application as filed (35 U.	S.C. 371(c)(2)).
a. U is attached hereto.		
	submitted under 35 U.S.C. 154(d)(4).	90 (35 I) S.C. 371(c)(3))
	e International Application under PCT Article ((required only if not communicated by the Inter	tununununununununununununununununununun
	cated by the International Bureau.	
	; however, the time limit for making such ame	ndments has NOT expired.
	and will not be made.	
	n of the amendments to the claims under PCT	Article 19 (35 U.S.C. 371(c)(3)).
9 An oath or declaration of the in		
	n of the annexes of the International Prelimina	ry, Examination Report under PCT
Items 11 to 20 below concern docum	nent(s) or information included:	
11. An Information Disclosure State	ement under 37 CFR 1.97 and 1.98.	
12. An assignment document for re	ecording. A separate cover sheet in compliance	e with 37 CFR 3.28 and 3.31 is included.
13. A preliminary amendment.		
14. An Application Data Sheet und	er 37 CFR 1.76.	
15. A substitute specification.		
16. A power of attorney and/or cha		
a kalant <u>ar,</u> sida alama i biliki isisindi dibibidi alm	ne sequence listing in accordance with PCT R	indedede iste jede lede lede lede lede lede lede led
	d International Application under 35 U.S.C. 15	ולנה הערעה ברעה ברעה ברעה בל על על בל על ער ער ער ער ער ער ברעה ער ער ער ברעה ברעה
19. A second copy of the English h	anguage translation of the international applic	ation under 35 U.S.C. 154(0)(4).

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete including pattering information; preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Statemark D.O. 2014 1869. Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. Page 1 of 3

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Under the Page North Restriction Act of 1995, no persons are required to respond to a collection of Information unless it displays a valid OMB control number.

a. A check in the amount of \$	to cover the above fees is enclosed.
b. Please charge my Deposit Account No. 68 - 3638 A duplicate copy of this sheet is enclosed.	in the amount of \$ 1,360.00 to cover the above fees.
c. X The Commissioner is hereby authorized to charge any Account No. 29-3038 . A duplicate copy of this she	additional fees which may be required, or credit any overpayment to Deposit eet is enclosed.
be included on this form. Provide credit card informa	
NOTE: Where an appropriate time limit under 37 CFR 1.495 and granted to restore the International Application to pend	has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed ling status.
SEND ALL CORRESPONDENCE TO:	SIGNATURE C. Raiser
HOIDERY LLP	NAME
29th Fatruteu Park Drine, Box 7 Falls Church, Va 22042	REGISTRATION NUMBER
FAX: 703-336-6950	

IAPT RECUPCTIPTO 31 JUL 2006'

PTO-1390 (Rev. 07-2005)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL LETTER TO DESIGNATED/ELECTED	THE UNITED STATES	ATTORNEY'S DOCKET NUMBER OGUST. 0084. 20150 P. D.
CONCERNING A SUBMISSIC	N UNDER 35 U.S.C. 371	U.S. APPLICATON NO TO TO (4 C) (FR 1.5)
INTERNATIONAL APPLICATION NO.	INTERNATIONAL FILING DATE	PRIORITY DATE CLAIMED
PCT/EP2004/011454 TITLE OF INVENTION	12TH OCTOBER 2004	1317 00.0000 2000
CORPOSITION FOR REDUCING OR ENCES	IDNS IN FCC REDENERATION PROCESS	
APPLICANT(S) FOR DO/EO/US KUENLER, CHIEDSTOPHER W. ; 6'0	DHNOR, PAUL ; STAMERES, DENNES	2015) the following items and other information:
		D/US) the following items and other information:
	oncerning a submission under 35 U.S.C. 37	
	submission of items concerning a submissio	
This is an express request to begin nat (5), (6), (9) and (21) indicated below.	ional examination procedures (35 U.S.C. 37	71(f)). The submission must include items
4. The US has been elected (Article 31).		
5. X A copy of the International Application		
a. is attached hereto (require	d only if not communicated by the Internation	nal Bureau).
<u> </u>	y the International Bureau.	
	lication was filed in the United States Receiv	
6. An English language translation of t	he International Application as filed (35 U.S.	.C. 371(c)(2)).
a. is attached hereto.		
•	nitted under 35 U.S.C. 154(d)(4).	
1	ternational Application under PCT Article 19	
1	uired only if not communicated by the Intern	etional Bureau).
1	d by the International Bureau.	
1	wever, the time limit for making such amend	iments has NOT expired.
d. X have not been made and		
i	the amendments to the claims under PCT A	Article 19 (35 U.S.C. 371(c)(3)).
9. An oath or declaration of the invent		
Article 36 (35 U.S.C. 371(c)(5)).	the annexes of the International Preliminary	Examination Report under PC1
items 11 to 20 below concern document		
11. An Information Disclosure Stateme		and the land of
12. An assignment document for recor	ding. A separate cover sheet in compliance	with 37 CFR 3.28 and 3.31 is included.
13. A preliminary amendment.		
14. An Application Data Sheet under 3	7 CFR 1.76.	
15. A substitute specification.		
16. A power of attorney and/or change		107 050 4 004 4 005
	equence listing in accordance with PCT Rul	
t .	ternational Application under 35 U.S.C. 154	
19. A second copy of the English lang	uage translation of the international applicat	lion under 35 U.S.C. 154(0)(4).

This collection of Information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, USPTO to process) an application, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Page 1 of 3

IAPS REC'S POTATO 31 JUL 2006

PTO-1390 (Rev. 07-2005)
Approved for use through 3/31/2007, OMB 0651-0021
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

ILS APPLICATION	ON NO. (if kno	wn, see 37 CFR 1.5)	INTERNATIONAL APP	LICATION NO.		DOCKE! NUMBER
0.3. Al 1 do/	10/5	88081_	PCT/EP2004/011457	<u> </u>	0.37.0086.0	10201
	ems or inform	nation:	/Ro/101 (5 Pages); FORT 13 Pages); INTERNATIONAL REPORT (6 Pages); Two RI	PCT/28/304 (1 Pag SEARCA REPORT (4 Pag	e); Rober Por/J gu); Ukiziten Op	18/306 (1 РАСЕ) ; энгари (6 Роде) ;
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L. IDEAR	IC indicator 3	III ciaime caticiv ninvi	mational preliminary examinati sions of PCT Article 33(1)-(4).	,,,,,,,,,,,,,	\$ 200.00	
23. X Sear f the written opin IPEA/US Search fee (37 C International Sea	ch fee (37 CF ion of the ISA indicates all of FR 1.445(a)(2 inal Searching rch Report pro-	R 1.492(b)) /US or the Internation claims satisfy provisio c)) has been paid on to g Authority spared by an ISA oth	nal preliminary examination rep ns of PCT Article 33(1)-(4) the international application to er than the US and provided to 3	oort prepared by\$0 the USPTO as an\$100 o the Office or\$400	s 500.00	·
All other situation	s	·····		5500		
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Total claims		- 20 =		x \$ 50	\$	
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		AIM(S) (if applicable)		+ \$360	\$ 360.00	
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Applicant of	aims small er	tity status. See 37 Cl	FR 1.27. Fees above are redu	ced by 1/2.		
		<u>-</u>		SUBTOTAL =	\$	
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claimed priority	date (37 CFR	1.432(1)).	TOTA	L NATIONAL FEE =	5 1,360.00	
Fee for recording	ng the enclose	ed assignment (37 CF	R 1.21(h)). The assignment m). \$40.00 per property		\$	
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					Amount to be refunded:	\$
					Amount to be charged	\$

Please indicate receipt of the below-identified paper:

PTO

New Application For: UTILITY	Priority Date: 15 TH OCTOBER 2003
Priority Claimed:	Fee Amt: \$1000 NATIONAL FEE
US 60/511,101	\$1500 PETITION FEE
EP 03078313.8	Acct. No. 01-2508/08-3038
Other Enclosures: - PCT/DO/EO- Form PTO-139	90 (3 Pages in duplicate);
- Transmittal Letter (2 Pages in	duplicate)
- Form PTO/SB/64/PCT;	
- Form PCT/RO/101 (5 Pages)	,
- Form PCT/IB/304 (1 Page);	
- Form PCT/IB/306 (1 Page);	
- A copy of PCT Publication V	VO 2005/040311 A1 (13 pages);
- International Search Report (4 Pages);
- Written Opinion (6 Pages);	
- International Preliminary Exa	amination Report (6 Pages); and
- Two return postcards.	

IDENTIFICATION OF APPLICATION

Serial No. TBA	Responsible Attorney: RASSER, J.
Title: COMPOSITION FOR REDUCING OX EM	ISSIONS IN FCC REGENERATION PROCESS
Applicant: KUEHLER et al.	
Client: ALBEMARLE NETHERLANDS B.V.	Firm File No.: 00137.0086.00US01
To PTO Via Express Mail Delivery	Date: 21st July 2006

HOWREY LLP 2941 Fairview Park Drive, Box 7 Falls Church, VA 22042 www.howrey.com F. 703.336.6950

HOWREY

1AP7 Rec'd PCT19TO 31 JUL ZUUL

Park Drive, Box 7

Park Drive, B

Our Ref: 00137.0086.00US01

21st July 2006

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Attention: PCT Legal

Commissioner for Patents

PO Box 1450

Alexandria, VA 22313-1450

Re. US National Phase International Application No. PCT/EP2004/011457

International Filing Date: 12th October 2004

Priority (1): 15th October 2003 (US 60/511,101)

Priority (2): 21st October 2003 (EP 03078313.8)

For: Composition for reducing Ox emissions in FCC Regeneration Process

Inventor: KUEHLER, Christopher W., et al.

Our Ref: 00137.0086.00US01

Sir

Transmitted herewith for appropriate action by the U.S. Patent and Trademark Office (PTO) are the following documents:

- 1. Petition for Revival of an International Application for Patent designating the U.S. abandoned unintentionally under 37 CFR 1.137(b), Form PTO/SB/64/PCT;
- 2. Transmittal Letter to the United States Designated / Elected Office, Form PTO-1390 (in duplicate);
 - 3. Form PCT/RO/101 (5 Pages);
 - 4. Form PCT/IB/304 (1 Page);
 - 5. Form PCT/IB/306 (1 Page);
 - 6. A copy of PCT Publication WO 2005/035691 A1 (13 pages);
 - 7. International Search Report (4 Pages);
 - 8. Written Opinion (6 Pages);
 - 9. International Preliminary Examination Report (6 Pages); and
 - 10. Two return postcards.

Our Ref: 00137.0086.00US01



2941 Fairview Park Drive, Box 7
Falls Church, VA 22042

www.howrey.com
F. 703.336.6950
rasserj@howrey.com

It is respectfully requested that the attached postcards be stamped with the date of filing of these documents, and be returned to our given address.

In the event that the Petition for Revival is deemed allowable, and this application is thereby revived, where extensions of time are necessary to prevent a further abandonment of this patent application, then such extensions of time are hereby petitioned.

The U.S. Patent and Trademark Office is hereby authorized to charge the following fees to our Deposit Account No. 08-3038 referencing docket number 00137.0086.00US01.

\$1,360.00

Filing Fee for patent application

\$1,500.00

Petition Fee for Revival of an International Application for Patent

designating the U.S. abandoned unintentionally under 37 CFR 1.137(b)

A duplicate copy of this letter is enclosed.

Respectfully submitted,

Jacobus C. Rasser

(Reg. No. 37,043)

Enclosures.

PATENT IAP5 Regis 2000 20 3 7 7 7008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
KUEHLER, Christopher W. et al

Intl. Patent Application No.: PCT/EP2004/011457

Intl. Filing Date: 12th October 2004

For: COMPOSITION FOR REDUCING OX EMISSIONS IN

FCC REGENERATION PROCESS

Our Ref: 00137.0086.00US01

STATEMENT ACCOMPANYING FORM PTO/SB/64/PCT

Sir,

The Applicants have always considered international patent application number PCT/EP2004/011457 to be of value to them. The Applicants designated the United States of America in the international patent application and always maintained a strong desire to enter that application into the national phase before the United States Patent and Trademark Office (U.S. PTO) and to ultimately obtain a United States Patent therefrom.

The Applicants delay in entering the national phase was not caused by any desire to defer patent prosecution expenses or official fees. Further, no internal decision was taken by the Applicants to abandon the application. Rather, the entire delay was due to an internal miscommunication during the international phase.

Respectfully submitted,

Jacobus C. Rasser

(Reg. No. 37,043)

Jacobus C. Rasser HOWREY LLP 2941 Fairview Park Drive, Box 7 Falls Church, VA 22042 www.howrev.com F. 703.336.6950 rasserj@howrey.com



Revenue Accounting and Management

Name/Number: 10588081

Total Records Found: 5

Start Date: Any Date

End Date: Any Date

Accounting Date	Sequence Num.	Fee Type	Fee Code	Fee Amount	Mailroom Date	Payment Method
08/08/2006	00000130	1	1631	\$300.00	07/31/2006	DA 083038
08/08/2006	00000131	1	1632	\$500.00	07/31/2006	DA 083038
08/08/2006	00000132	1.	1633	\$200.00	07/31/2006	DA 083038
08/08/2006	00000133	1	1616	\$360.00	07/31/2006	DA 083038
08/08/2006	00000134	.1.	1453	\$1,500.00	07/31/2006	DA 083038

PTO/SB/6A/PCT (10-05)
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE to a collection of information unless it displays a valid OMB control number.

First Named Inventor: Kuenten, Christopher W.		
International (PCT) Application No.: 1CT/E72004/01/95>	U.S. Application N	o.:
Filed: 12Th OCTOSER 2004	(if known)	Into 1
Title: CORPOSITION FOR RESULTING ON EMISSIONS IN FCC RESCHE	NATION PROCESS	That coals
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Attention: PCT Legal Staff		
Mail Stop PCT Commissioner for Patents		
P.O. Box 1450 Alexandria, VA 22313-1450		
due. See 37 CFR 1.495(h). APPLICANT HEREBY PETITIONS FOR REVIVAL (NOTE: A grantable petition requires the following items:	OF THIS APPLICATION	
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[Page 1 of 2]

This collection of information is required by 37 CFR 1 137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentially is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including pathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Paterti and Trademark Office, U.S. Department of Commerce, P.O. Box 1450; Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.